



Judiciary Committee

**Wednesday, March 8, 2006
10:00 A.M. – 12:00 P.M.
Morris Hall
(17 HOB)**

Committee Action Packet

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
David Simmons (Chair)	X		
Kevin Ambler	X		
Dennis Baxley	X		
Frederick Brummer	X		
Anitere Flores	X		
Dan Gelber	X		
Michael Grant	X		
Jeffrey Kottkamp	X		
Sheri McInvale	X		
Joe Pickens	X		
Juan-Carlos Planas	X		
Curtis Richardson	X		
Dennis Ross	X		
John Seiler	X		
Totals:	14	0	0

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

HJR 33 : Homestead Property Assessments

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Dennis Baxley	X				
Frederick Brummer		X			
Anitere Flores	X				
Dan Gelber			X		
Michael Grant	X				
Jeffrey Kottkamp	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Dennis Ross	X				
John Seiler		X			
David Simmons (Chair)	X				
Total Yeas: 10		Total Nays: 3			

HJR 33 Amendments

Amendment 1

☒ Adopted as Amended

Amendment 1a

☒ Adopted

Appearances:

HJR 33

Bob McKee (Lobbyist) - Opponent
Florida Association of Counties
100 S. Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

HJR 33

John Wayne Smith (Lobbyist) - Opponent
Florida League of Cities
301 South Bronough Street
Tallahassee FL 32301
Phone: 850-222-9684

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

HJR 33

John Sebree (Lobbyist) - Opponent

Florida Association of Realtors

200 S. Monroe Street

Tallahassee FL 32301

Phone: 850-224-1400

HJR 33

Nelson Miner - Information Only

Self

806 Pinecrest Ave.

Panama City Florida 32401

Phone: 850-872-2099

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HJR 33

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Judiciary
Representative Baxley offered the following:

Amendment (with title amendment)

Remove lines 14-98 and insert:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.--By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

53 unconstitutional by any court of competent jurisdiction, the
54 decision of such court shall not affect or impair any remaining
55 provisions of this amendment.

56 (8) By general law, the Legislature may authorize counties,
57 subject to the conditions specified therein, to provide by
58 ordinance for the assessment of newly established homestead
59 property at less than just value if purchased within one year of
60 the sale of property previously designated as homestead
61 property. The difference between the just value and the assessed
62 value of the newly established homestead property in the first
63 year shall not exceed the difference between the just value and
64 the assessed value of the previous homestead property in the
65 year sold. This paragraph shall not apply with respect to the
66 value of homestead property taxed for school purposes.

67 (d) The legislature may, by general law, for assessment
68 purposes and subject to the provisions of this subsection, allow
69 counties and municipalities to authorize by ordinance that
70 historic property may be assessed solely on the basis of
71 character or use. Such character or use assessment shall apply
72 only to the jurisdiction adopting the ordinance. The
73 requirements for eligible properties must be specified by
74 general law.

75 (e) A county may, in the manner prescribed by general law,
76 provide for a reduction in the assessed value of homestead
77 property to the extent of any increase in the assessed value of
78 that property which results from the construction or
79 reconstruction of the property for the purpose of providing
80 living quarters for one or more natural or adoptive grandparents
81 or parents of the owner of the property or of the owner's spouse
82 if at least one of the grandparents or parents for whom the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 99-113 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

HOMESTEAD PROPERTY ASSESSMENTS.--Proposing an amendment to the State Constitution providing for the Legislature, by general law, to authorize counties to provide for the assessment of newly established homestead property at less than just value subject to certain limits. The amendment would not apply with respect to the value of property taxed for school purposes.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

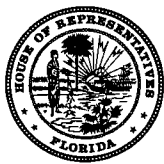
House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to permitting the Legislature to authorize counties to provide by ordinance for the assessment of newly established homestead property at less than just value under certain circumstances and subject to certain limits; providing that the authority provided herein

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

114 shall not apply with respect to the value of property taxed for
115 school purposes.
116



Committee on

Judiciary

1A

Action

Passed

Date

3/8/06

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No. 1A

Bill No. 33

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

If amendment is text of another bill insert:

Bill No. _____

Draft No. _____

Representative(s)/The Committee on Baxley

offered the following amendment:

Amendment

to the Amendment 1

on page 3, line 56,

after the word "may"

insert: require or

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

HJR 39 : Limitations on Assessments of Residential and Commercial Property

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Dennis Baxley	X				
Frederick Brummer		X			
Anitere Flores	X				
Dan Gelber			X		
Michael Grant			X		
Jeffrey Kottkamp			X		
Sheri McInvale	X				
Joe Pickens				X	
Juan-Carlos Planas				X	
Curtis Richardson	X				
Dennis Ross	X				
John Seiler	X				
David Simmons (Chair)	X				
Total Yeas: 8 Total Nays: 1					

HJR 39 Amendments

Amendment 1

☒ Withdrawn

Amendment 2

☒ Adopted

Appearances:

HJR 39

Nelson Miner - Information Only

Self

806 Pinecrest Ave.

Panama City FL 32401

Phone: 850-872-2099

HJR 39

John Wayne Smith (Lobbyist) - Opponent

Florida League of Cities

301 South Bronough Street

Tallahassee FL 32301

Phone: 850-222-9684

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

HJR 39

Bob McKee (Lobbyist) - Opponent

Florida Association of Counties

100 S. Monroe Street

Tallahassee FL 32301

Phone: 850-922-4300

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

Council/Committee hearing bill:

Representative(s) Farkas offered the following:

Amendment (with ballot statement and title amendments)

Remove line(s) 27 through 57 and insert:

(c) The assessment of real property, other than property assessed under subsections (a) and (d), shall change only as provided herein. All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

(2) No assessment shall exceed just value.

(3) In the event property no longer qualifies for assessment under subsection (a) or (d), that property shall be assessed at just value as of January 1 of the year following the date the property ceased to qualify for assessment under those subsections. After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the property homestead shall be assessed as provided herein.

~~(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.~~

~~(4)(5)~~ Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove line(s) 93 and insert:
expand to additional types of property the limitations

===== T I T L E A M E N D M E N T =====

Remove line(s) 4 and insert:
limitations on assessments of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HJR 39

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Judiciary
2 Representative Baxley offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 14-86 and insert:

6 ARTICLE VII

7 FINANCE AND TAXATION

8 SECTION 4. Taxation; assessments.--By general law
9 regulations shall be prescribed which shall secure a just
10 valuation of all property for ad valorem taxation, provided:

11 (a) Agricultural land, land producing high water recharge
12 to Florida's aquifers, or land used exclusively for
13 noncommercial recreational purposes may be classified by general
14 law and assessed solely on the basis of character or use.

15 (b) Pursuant to general law tangible personal property
16 held for sale as stock in trade and livestock may be valued for
17 taxation at a specified percentage of its value, may be
18 classified for tax purposes, or may be exempted from taxation.

19 (c) All persons entitled to a homestead exemption under
20 Section 6 of this Article shall have their homestead assessed at
21 just value as of January 1 of the year following the effective

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

52 decision of such court shall not affect or impair any remaining
53 provisions of this amendment.

54 (d) The legislature may, by general law, for assessment
55 purposes and subject to the provisions of this subsection, allow
56 counties and municipalities to authorize by ordinance that
57 historic property may be assessed solely on the basis of
58 character or use. Such character or use assessment shall apply
59 only to the jurisdiction adopting the ordinance. The
60 requirements for eligible properties must be specified by
61 general law.

62 (e) A county may, in the manner prescribed by general law,
63 provide for a reduction in the assessed value of homestead
64 property to the extent of any increase in the assessed value of
65 that property which results from the construction or
66 reconstruction of the property for the purpose of providing
67 living quarters for one or more natural or adoptive grandparents
68 or parents of the owner of the property or of the owner's spouse
69 if at least one of the grandparents or parents for whom the
70 living quarters are provided is 62 years of age or older. Such a
71 reduction may not exceed the lesser of the following:

72 (1) The increase in assessed value resulting from
73 construction or reconstruction of the property.

74 (2) Twenty percent of the total assessed value of the
75 property as improved.

76 (f) By general law, the legislature may authorize counties,
77 subject to the conditions specified therein, to provide by
78 ordinance for the extension of the provisions of subsection (c)
79 to all real property, other than property assessed under
80 subsections(a) and (d). This subsection shall not apply with
81 respect to the value of real property taxed for school purposes.
82

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 87-95 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

HOMESTEAD PROPERTY ASSESSMENTS.-- Proposing an amendment to the State Constitution providing for the legislature, by general law, to authorize counties to provide by ordinance for the extension of certain assessment limitations to all real property; providing that the authority provided herein shall not apply with respect to the value of property taxed for school purposes.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution relating to limitations on assessments of homestead property to authorize counties to provide by ordinance for the extension of certain assessment limitations to all real property; providing that the authority provided herein shall not apply with respect to the value of property taxed for school purposes.

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

PCB JU 06-04 : Land Trusts

☒ Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler			X		
Dennis Baxley	X				
Frederick Brummer	X				
Anitere Flores	X				
Dan Gelber			X		
Michael Grant	X				
Jeffrey Kottkamp	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Dennis Ross			X		
John Seiler	X				
David Simmons (Chair)	X				
Total Yeas: 11		Total Nays: 0			

PCB JU 06-04 Amendments

Amendment 1

☒ Adopted



Committee on

Judiciary

Action

PASSES

Date

3/8/06

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No.

1

Bill No.

PCBA

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

If amendment is text of another bill insert:

Bill No. _____

Draft No. _____

Representative(s)/The Committee on

Judiciary

Rep. Seiler / Rep. Simmons

offered the following amendment:

Amendment

on page 2, line 37,

After: express

Insert: written

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

PCB JU 06-05 : Constitutional Revision

☒ Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler			X		
Dennis Baxley	X				
Frederick Brummer	X				
Anitere Flores	X				
Dan Gelber		X			
Michael Grant	X				
Jeffrey Kottkamp	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Dennis Ross			X		
John Seiler		X			
David Simmons (Chair)	X				
Total Yeas: 9		Total Nays: 3			

PCB JU 06-05 Amendments

Amendment 1

☒ Adopted

Amendment 10

☒ Adopted

Amendment 11

☒ Adopted

Amendment 12

☒ Adopted

Amendment 13

☒ Adopted

Amendment 14

☒ Adopted

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

Amendment 15

☒ Adopted

Amendment 2

☒ Adopted

Amendment 3

☒ Adopted

Amendment 3A

☒ Withdrawn

Amendment 4

☒ Adopted

Amendment 5

☒ Adopted

Amendment 6

☒ Adopted

Amendment 7

☒ Adopted

Amendment 8

☒ Adopted

Amendment 9

☒ Adopted

Appearances:

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

Constitutional Revision

Rich Templin (Lobbyist) - Opponent

Florida AFL-CIO

135 S. Monroe

Tallahassee FL 32302

Phone: 850-224-6926

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

Leagis ®

Print Date: 3/8/2006 12:54 pm

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **PCB JU 06-05**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 4245-4249 and insert:

SECTION 10. Preservation of constitutional provisions as statutes.--

(a) Article X, Section 21 of the State Constitution as it existed on November 6, 2006, shall become a statute and shall not be subject to modification or repeal, except by a two-thirds vote of the membership of each house of the legislature, in the first five years from the date it becomes a statute. Thereafter, it shall be subject to modification or repeal as are other statutes.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved. ~~Preservation of existing government. All provisions of Articles I through IV,~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE XII, SECTION 10

CRUEL AND INHUMANE CONFINEMENT OF PREGNANT PIGS.--

Proposing an amendment to the State Constitution to transfer to
the Florida Statutes the provision that makes it unlawful to
confine a pig during pregnancy in such a way that the pig is
prevented from turning around freely.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:

technical issues; to repeal obsolete provisions; to provide for
the codification of Section 21 of Article X as a statute, which
pertains to the confinement of pregnant pigs.

Amendment No. 2

Bill No. **PCB JU 06-05**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 3304-3355 and insert:

~~SECTION 21. Limiting cruel and inhumane confinement of pigs during pregnancy. Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.~~

~~(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.~~

~~(b) This section shall not apply:~~

~~(1) when a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

~~(2) during the prebirthing period.~~

~~(c) For purposes of this section:~~

~~(1) "enclosure" means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."~~

~~(2) "farm" means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.~~

~~(3) "person" means any natural person, corporation and/or business entity.~~

~~(4) "pig" means any animal of the porcine species.~~

~~(5) "turning around freely" means turning around without having to touch any side of the pig's enclosure.~~

~~(6) "prebirthing period" means the seven day period prior to a pig's expected date of giving birth.~~

~~(d) A person who violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine of not more than \$5000, or by both imprisonment and a fine, unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Section 828.13, Florida Statutes (1999). The confinement or tethering of each pig shall constitute a separate offense. The knowledge or acts of agents and employees of a person in regard to a pig owned, farmed or in the custody of a person, shall be held to be the knowledge or act of such person.~~

~~(e) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

~~(f) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.~~

~~(g) This section shall take effect six years after approval by the electors.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 21

CRUEL AND INHUMANE CONFINEMENT OF PREGNANT PIGS.--

Proposing an amendment to the State Constitution to remove from the constitution the provision that makes it unlawful to confine a pig during pregnancy in such a way that the pig is prevented from turning around freely.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal Section 21 of Article X, which pertains to the confinement of pregnant pigs.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 4245-4249 and insert:

SECTION 10. Preservation of constitutional provisions as statutes.--

(a) Article II, Section 9 of the State Constitution as it existed on November 6, 2006, shall become a statute and shall not be subject to modification or repeal, except by a two-thirds vote of the membership of each house of the legislature, in the first five years from the date it becomes a statute.

Thereafter, it shall be subject to modification or repeal as are other statutes.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved. ~~Preservation of existing government. All provisions of Articles I through IV,~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE II, SECTION 9

PROHIBITION OF MEDICAL LICENSE AFTER REPEATED MEDICAL
MALPRACTICE.-- Proposing an amendment to the State Constitution
to transfer to the Florida Statutes the provision that makes
English the official language of Florida.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to provide for
the codification of Section 9 of Article II as a statute, which
pertains to English as the official language of Florida.



Committee on

Judiciary

3A

Action

Withdrawn

Date

3/8/06

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No.

3A Amndt to Amndt

Bill No.

RB 5

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

If amendment is text of another bill insert:

Bill No. _____

Draft No. _____

Representative(s)/The Committee on

Planas

offered the following amendment:

Amendment

to Amndt 3

on page

1

, line

13

remove:

five

insert:

two

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 440-444 and insert:

~~SECTION 9. English is the official language of Florida.~~

~~(a) English is the official language of the State of Florida.~~

~~(b) The legislature shall have the power to enforce this section by appropriate legislation.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE II, SECTION 9

ENGLISH IS THE OFFICIAL LANGUAGE OF FLORIDA.--Proposing an amendment to the State Constitution to remove from the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

constitution the provision that makes English the official
language of Florida.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal
Section 9 of Article II, which pertains to English as the
official language of Florida.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 4245-4249 and insert:

SECTION 10. Preservation of constitutional provisions as statutes.--

(a) Article I, Section 26 of the State Constitution as it existed on November 6, 2006, shall become a statute and shall not be subject to modification or repeal, except by a two-thirds vote of the membership of each house of the legislature, in the first five years from the date it becomes a statute. Thereafter, it shall be subject to modification or repeal as are other statutes.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved. ~~Preservation of existing government. All provisions of Articles I through IV,~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE I, SECTION 26

CLAIMANT'S RIGHT TO COMPENSATION IN MEDICAL LIABILITY
CLAIMS.-- Proposing an amendment to the State Constitution to
transfer to the Florida Statutes the provision that delineates a
claimant's right to compensation in medical liability claims.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to provide for
the codification of Section 26 of Article I as a statute, which
pertains to a claimant's right to compensation in medical
liability claims.

Amendment No. 6

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 254-267 and insert:

~~SECTION 26. Claimant's right to fair compensation.~~

~~(a) Article I, Section 26 is created to read "Claimant's right to fair compensation." In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first \$250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self executing and does not require implementing legislation.~~

~~(b) This Amendment shall take effect on the day following approval by the voters.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE I, SECTION 26

CLAIMANT'S RIGHT TO COMPENSATION IN MEDICAL LIABILITY CLAIMS.--Proposing an amendment to the State Constitution to remove from the constitution the provision that delineates a claimant's right to compensation in medical liability claims.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal Section 26 of Article I, which pertains to a claimant's right to compensation in medical liability claims.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 7

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY
Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 4245-4249 and insert:

SECTION 10. Preservation of constitutional provisions as statutes.--

(a) Article X, Section 25 of the State Constitution as it existed on November 6, 2006, shall become a statute and shall not be subject to modification or repeal, except by a two-thirds vote of the membership of each house of the legislature, in the first five years from the date it becomes a statute. Thereafter, it shall be subject to modification or repeal as are other statutes.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved. Preservation of existing government. All provisions of Articles I through IV,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 25

PATIENTS' RIGHT TO KNOW ABOUT ADVERSE MEDICAL
INCIDENTS.-- Proposing an amendment to the State Constitution to
transfer to the Florida Statutes the provision that delineates a
patient's right to know about adverse medical incidents.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:

technical issues; to repeal obsolete provisions; to provide for
the codification of Section 25 of Article X as a statute, which
pertains to a patient's right to know about adverse medical
incidents.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 8

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: JUDICIARY
Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 3478-3513 and insert:

~~SECTION 25. Patients' right to know about adverse medical incidents.~~

~~(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.~~

~~(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained.~~

~~(c) For purposes of this section, the following terms have the following meanings:~~

~~(1) The phrases "health care facility" and "health care provider" have the meaning given in general law related to a patient's rights and responsibilities.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

~~(2) The term "patient" means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.~~

~~(3) The phrase "adverse medical incident" means medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient, including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.~~

~~(4) The phrase "have access to any records" means, in addition to any other procedure for producing such records provided by general law, making the records available for inspection and copying upon formal or informal request by the patient or a representative of the patient, provided that current records which have been made publicly available by publication or on the Internet may be "provided" by reference to the location at which the records are publicly available.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 25

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

PATIENTS' RIGHT TO KNOW ABOUT ADVERSE MEDICAL INCIDENTS.--

Proposing an amendment to the State Constitution to remove from the constitution the provision that delineates a patient's right to know about adverse medical incidents.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal Section 25 of Article X, which pertains to a patient's right to know about adverse medical incidents.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 26

PROHIBITION OF MEDICAL LICENSE AFTER REPEATED MEDICAL
MALPRACTICE.-- Proposing an amendment to the State Constitution
to transfer to the Florida Statutes the provision that prohibits
a person from having a medical license after repeated medical
malpractice.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to provide for
the codification of Section 26 of Article X as a statute, which
pertains to a prohibition on having a medical license after
repeated medical malpractice.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 10

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 3514-3531 and insert:

~~SECTION 26. Prohibition of medical license after repeated
medical malpractice.~~

~~(a) No person who has been found to have committed three
or more incidents of medical malpractice shall be licensed or
continue to be licensed by the State of Florida to provide
health care services as a medical doctor.~~

~~(b) For purposes of this section, the following terms have
the following meanings:~~

~~(1) The phrase "medical malpractice" means both the
failure to practice medicine in Florida with that level of care,
skill, and treatment recognized in general law related to health
care providers' licensure, and any similar wrongful act,
neglect, or default in other states or countries which, if
committed in Florida, would have been considered medical
malpractice.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10

~~(2) The phrase "found to have committed" means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 26

PROHIBITION OF MEDICAL LICENSE AFTER REPEATED MEDICAL MALPRACTICE.--Proposing an amendment to the State Constitution to remove from the constitution the provision that prohibits a person from having a medical license after repeated medical malpractice.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal Section 26 of Article X, which pertains to a prohibition on having a medical license after repeated medical malpractice.

Amendment No. 11

COUNCIL/COMMITTEE ACTION

Council/Committee hearing bill: JUDICIARY
Representative Baxley offered the following:

Remove lines 4245-4249 and insert:

(a) Article IX, Section 7 of the State Constitution as it existed on November 6, 2006, shall become a statute and shall not be subject to modification or repeal, except by a two-thirds vote of the membership of each house of the legislature, in the first five years from the date it becomes a statute. Thereafter, it shall be subject to modification or repeal as are other statutes.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved. Preservation of existing government. All provisions of Articles I through IV,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 11

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE IX, SECTION 7

A SYSTEM OF GOVERNANCE FOR THE STATE UNIVERSITY SYSTEM OF
FLORIDA.-- Proposing an amendment to the State Constitution to
transfer to the Florida Statutes the provision that provides for
a system of governance for the state university system of
Florida.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to provide for
the codification of Section 7 of Article IX as a statute, which
pertains to a system of governance for the state university
system of Florida.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 12

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 2905-2945 and insert:

~~SECTION 7. State University System.~~

~~(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.~~

~~(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.~~

~~(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 12

~~governor and five citizen members appointed by the board of
governors. The appointed members shall be confirmed by the
senate and serve staggered terms of five years as provided by
law. The chair of the faculty senate, or the equivalent, and the
president of the student body of the university shall also be
members.~~

~~(d) STATEWIDE BOARD OF GOVERNORS. The board of governors
shall be a body corporate consisting of seventeen members. The
board shall operate, regulate, control, and be fully responsible
for the management of the whole university system. These
responsibilities shall include, but not be limited to, defining
the distinctive mission of each constituent university and its
articulation with free public schools and community colleges,
ensuring the well planned coordination and operation of the
system, and avoiding wasteful duplication of facilities or
programs. The board's management shall be subject to the powers
of the legislature to appropriate for the expenditure of funds,
and the board shall account for such expenditures as provided by
law. The governor shall appoint to the board fourteen citizens
dedicated to the purposes of the state university system. The
appointed members shall be confirmed by the senate and serve
staggered terms of seven years as provided by law. The
commissioner of education, the chair of the advisory council of
faculty senates, or the equivalent, and the president of the
Florida student association, or the equivalent, shall also be
members of the board.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 12

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE IX, SECTION 7

A SYSTEM OF GOVERNANCE FOR THE STATE UNIVERSITY SYSTEM OF FLORIDA.--Proposing an amendment to the State Constitution to remove from the constitution the provision that provides for a system of governance for the state university system of Florida.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal Section 7 of Article IX, which pertains to a system of governance for the state university system of Florida.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 13

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: JUDICIARY

Representative Brummer offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 3676-3686 and insert:

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the next general election ~~in the second year following the year in which the commission is established~~, the commission shall file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 14

Bill No. PCB JU 06-05

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 4245-4249 and insert:

SECTION 10. Preservation of constitutional provisions as statutes.--

(a) Article X, Section 24 of the State Constitution as it existed on November 6, 2006, shall become a statute and shall not be subject to modification or repeal, except by a two-thirds vote of the membership of each house of the legislature, in the first five years from the date it becomes a statute. Thereafter, it shall be subject to modification or repeal as are other statutes.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved. Preservation of existing government. All provisions of Articles I through IV,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 14

~~VII and IX through XX of the Constitution of 1885, as amended,
not embraced herein which are not inconsistent with this
revision shall become statutes subject to modification or repeal
as are other statutes.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 24

MINIMUM WAGE.-- Proposing an amendment to the State
Constitution to transfer to the Florida Statutes the provision
that provides for a state minimum wage in Florida.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to provide for
the codification of Section 24 of Article X as a statute, which
pertains to a state minimum wage in Florida.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: JUDICIARY

Representative Baxley offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 3396-3477 and insert:

~~SECTION 24. Florida minimum wage.~~

~~(a) PUBLIC POLICY. All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low wage competition, and that does not force them to rely on taxpayer funded public services in order to avoid economic hardship.~~

~~(b) DEFINITIONS. As used in this amendment, the terms "employer," "employee," and "wage" shall have the meanings established under the federal Fair Labor Standards Act (FLSA) and its implementing regulations.~~

~~(c) MINIMUM WAGE. Employers shall pay employees wages no less than the minimum wage for all hours worked in Florida. Six months after enactment, the minimum wage shall be established at an hourly rate of \$6.15. On September 30th of that year and on each following September 30th, the state Agency for Workforce~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15

~~Innovation shall calculate an adjusted minimum wage rate by increasing the current minimum wage rate by the rate of inflation during the twelve months prior to each September 1st using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. Each adjusted minimum wage rate calculated shall be published and take effect on the following January 1st. For tipped employees meeting eligibility requirements for the tip credit under the FLSA, employers may credit towards satisfaction of the minimum wage tips up to the amount of the allowable FLSA tip credit in 2003.~~

~~(d) RETALIATION PROHIBITED. It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this amendment. Rights protected under this amendment include, but are not limited to, the right to file a complaint or inform any person about any party's alleged noncompliance with this amendment, and the right to inform any person of his or her potential rights under this amendment and to assist him or her in asserting such rights.~~

~~(e) ENFORCEMENT. Persons aggrieved by a violation of this amendment may bring a civil action in a court of competent jurisdiction against an employer or person violating this amendment and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus the same amount as liquidated damages, and shall be awarded reasonable attorney's fees and costs. In addition, they shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and/or injunctive relief. Any employer or other person found liable for willfully violating this amendment shall~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15

~~also be subject to a fine payable to the state in the amount of \$1000.00 for each violation. The state attorney general or other official designated by the state legislature may also bring a civil action to enforce this amendment. Actions to enforce this amendment shall be subject to a statute of limitations of four years or, in the case of willful violations, five years. Such actions may be brought as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.~~

~~(f) ADDITIONAL LEGISLATION, IMPLEMENTATION, AND CONSTRUCTION. Implementing legislation is not required in order to enforce this amendment. The state legislature may by statute establish additional remedies or fines for violations of this amendment, raise the applicable minimum wage rate, reduce the tip credit, or extend coverage of the minimum wage to employers or employees not covered by this amendment. The state legislature may by statute or the state Agency for Workforce Innovation may by regulation adopt any measures appropriate for the implementation of this amendment. This amendment provides for payment of a minimum wage and shall not be construed to preempt or otherwise limit the authority of the state legislature or any other public body to adopt or enforce any other law, regulation, requirement, policy, or standard that provides for payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this amendment. It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this amendment and any implementing statutes or regulations.~~

~~(g) SEVERABILITY. If any part of this amendment, or the application of this amendment to any person or circumstance, is~~

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~~held invalid, the remainder of this amendment, including the
application of such part to other persons or circumstances,
shall not be affected by such a holding and shall continue in
full force and effect. To this end, the parts of this amendment
are severable.~~

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove lines 4346-4347 and insert:

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT AND REVISIONS

ARTICLE X, SECTION 24

MINIMUM WAGE.--Proposing an amendment to the State
Constitution to remove from the constitution the provision that
provides for a state minimum wage in Florida.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:
technical issues; to repeal obsolete provisions; to repeal
Section 24 of Article X, which pertains to a state minimum wage
in Florida.

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

Summary:

Judiciary Committee

Wednesday March 08, 2006 10:00 am

HJR 33 Favorable With Committee Substitute

Yeas: 10 Nays: 3

Amendment 1 Adopted as Amended

Amendment 1a Adopted

HJR 39 Favorable With Committee Substitute

Yeas: 8 Nays: 1

Amendment 1 Withdrawn

Amendment 2 Adopted

PCB JU 06-04 Favorable With Amendments

Yeas: 11 Nays: 0

Amendment 1 Adopted

PCB JU 06-05 Favorable With Amendments

Yeas: 9 Nays: 3

Amendment 1 Adopted

Amendment 10 Adopted

Amendment 11 Adopted

Amendment 12 Adopted

Amendment 13 Adopted

Amendment 14 Adopted

Amendment 15 Adopted

Amendment 2 Adopted

Amendment 3 Adopted

Amendment 3A Withdrawn

Amendment 4 Adopted

Amendment 5 Adopted

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/8/2006 10:00:00AM

Location: Morris Hall (17 HOB)

Amendment 6 Adopted

Amendment 7 Adopted

Amendment 8 Adopted

Amendment 9 Adopted

Committee meeting was reported out: Wednesday, March 08, 2006 12:54:17PM